

REMARKS

Reconsideration of the application is respectfully requested. No claims have been amended, canceled or added.

In response to the Interview Summary dated May 17, 2007, Applicant provides this Statement reporting the substance of the telephonic interview held with the Examiner on May 9, 2007. In the telephonic interview, Applicant discussed claim 1 and U.S. Patent No. 6,901,372 ("Helzerman") with the Examiner. The Examiner and Applicant discussed the possibilities of further amending claim 1; however, no agreement was reached. Applicant respectfully submits that the substance of the interview, as shown on the interview summary sheet, is accurate.

Claims 1-2, 4-10, 29-30, and 32-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,901,372 ("Helzerman") in view of U.S. Patent No. 6,581,040 ("Wright").

Independent claim 1 discloses a method for assessing risk on a project associated with at least one change proposal directed toward the project, the project being developed by a service provider for a client. Applicant respectfully submits that Helzerman and Wright fail to teach, suggest, or obviate at least one of the distinguishing features of independent claim 1, namely, receiving, from a client by a service provider, at least one change proposal directed toward a project during a life cycle of the project, the change proposal requesting at least one amendment to be performed to the project being developed by the service provider. In addition, the cited references fail to disclose generating at least one metric indicative of the potential effects on the project the at least one metric providing an objective risk assessment for the service provider to provide the client and for allowing the service provider and the client to assess both direct and indirect risk before the at least one change proposal is adopted and to objectively make an informed business decision as to whether or not to adopt the at least one change proposal.

Helzerman discloses a system and method for performing manufacturing projects. Wright discloses a system for providing enhanced communications for the managing of projects, particularly to project communications involving multiple resource providers.

In contrast to claim 1, Helzerman discloses a concept proposal phase which corresponds to a plan to develop manufacturing technologies, processes, or methodologies. The concept proposal phase begins when a customer need has been defined and concludes when the concept has been approved for concept feasibility analysis. According to Helzerman, customer needs are defined at a concept proposal phase which is in contrast to receiving, from a client by a service provider, at least one change proposal directed toward a project during a life cycle of the project as claimed. Furthermore, in contrast to claim 1, Helzerman discloses performing a risk assessment during a manufacturing concept-ready phase with the sole purpose of determining if an additional step of generating a production prove out is required. During this phase, it is disclosed to generate metrics of cost, timing, and quality estimates. However, Helzerman fails to disclose at least one metric providing an objective risk assessment for the service provide to provide to the client as claimed.

The standards and methods procedure referred to by the Examiner as producing the risk assessment metric occurs as a postmortem after all five phases of the disclosed project organization are complete, and therefore after a proposed change has been implemented. This is in contrast to claim 1, where the objective risk assessment allows the service provider and the client to assess both direct and indirect risk before the at least one change proposal is adopted. This allows for the service provider and the client to objectively make an informed business decision as to whether or not to adopt the at least one change proposal. Wright fails to cure the deficiencies of Helzerman noted above. Applicant respectfully submits that independent claim 1 distinguishes over Helzerman and Wright. Withdrawal of the rejection of independent claim 1 is respectfully requested.

In addition, Applicant respectfully submits that the Office Action has improperly attempted to rely on conclusions based on an assessment by the Examiner of what would be basic knowledge or common sense in the relevant art. Such reliance is improper in the absence of sufficient supporting evidence. Applicant respectfully submits that the Examiner must point to some concrete evidence in the record in support of the assertion by the Office Action that this feature of independent claim 1 is obvious. *See, e.g., In re Zurko*, 59 U.S.P.Q.2D 1693 (Fed. Cir.

2001). Applicant respectfully submits that this evidence has not been presented and requests that it be presented by the Examiner. If further elaboration of this point is deemed necessary or appropriate by the Examiner, Applicant respectfully requests that the Examiner contact the undersigned via telephone.

For at least this additional, Applicant respectfully submits that independent claim 1 distinguishes over Helzerman and Wright and respectfully requests that the rejection thereof be withdrawn.

Dependent claims 2, 4-8, and 29 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2, 4-8, and 29 distinguish over Helzerman and Wright and are in condition for allowance. Withdrawal of the rejection of dependent claims 2, 4-8, and 29 is respectfully requested.

Independent claim 9 relates to a system for assessing risk on a project associated with at least one change proposal directed toward the project, the project being developed by a service provider for a client. Applicant respectfully submits that Helzerman and Wright fail to teach, suggest, or obviate at least one of the distinguishing features of independent claim 9, namely, means for receiving, from the client by the service provider, the at least one change proposal directed toward the project during a life cycle of the project, the at least one change proposal requesting at least one amendment to be performed to the project being developed by the service provider. In addition, the cited references fail to disclose means for generating at least one metric indicative of the potential effects on the project based on said identifying the at least one artifact, the at least one metric providing an objective risk assessment for the service provider to provide the client and for allowing the service provider and the client to assess both direct and indirect risk before the at least one change proposal is adopted and to objectively make an informed business decision as to whether or not to adopt the at least one change proposal. Furthermore, Applicant submits that claim 9 patentably distinguishes over the cited references for similar reasons to those discussed above with respect to independent claim 1. Withdrawal of the rejection of independent claim 9 is respectfully requested.

Dependent claims 30 and 32-37 depend from and further restrict independent claim 9 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 9, dependent claims 30 and 32-37 distinguish over Helzerman and Wright and are in condition for allowance. Withdrawal of the rejection of dependent claims 30 and 32-37 is respectfully requested.

Independent claim 10 relates to a computer-readable medium. Applicant respectfully submits that Helzerman and Wright fail to teach, suggest, or obviate at least one of the distinguishing features of independent claim 10, namely, a processor adapted to receive, from a client by a service provider, at least one change proposal directed toward a project during a life cycle of the project, the project being developed by the service provider for the client, the at least one change proposal requesting at least one amendment to be performed to the project. In addition, the cited references fail to disclose the processor adapted to generate at least one metric indicative of the potential effects on the project based on said identifying the at least one artifact, the at least one metric providing an objective risk assessment for the service provider to provide the client and for allowing the service provider and the client to assess both direct and indirect risk before the at least one change proposal is adopted and to objectively make an informed business decision as to whether or not to adopt the at least one change proposal. Furthermore, Applicant submits that claim 10 patentably distinguishes over the cited references for similar reasons to those discussed above with respect to independent claims 1 and 9. Withdrawal of the rejection of independent claim 10 is respectfully requested.

Claims 3 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helzerman in view of Wright and in further view of The Production of Accurate Construction Cost Estimates in Saudi Arabia by Ali, et al ("Ali"). Dependent claim 3 depends from and further restricts independent claim 1 in a patentable sense. Dependent claim 31 depends from and further restricts independent claim 9 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claims 1 and 9, respectively, dependent claims 3 and 31 distinguish over Helzerman, Wright, and Ali and

are in condition for allowance. Withdrawal of the rejection of dependent claims 3 and 31 is respectfully requested.

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

By


Shoaib A. Mithani

Registration No.: L0067

WINSTEAD PC

P.O. Box 50784

Dallas, Texas 75201

(214) 745-5400

Attorneys For Applicant